

REMARKS

II. Claim Amendments

Claims 1-8, 10-18, 20, 21, 23-25 and 27-39 are currently pending. With this response, claims 8 and 38 are amended, and claims 20 and 39 are canceled.

A. Provisional Rejection for obviousness-type double patenting

Claims 1-8, 10-18, 20, 21, 23-25 and 27-39 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 and 13-18 of co-pending U.S. Patent Application No. 10/893754.

The Applicants request removal of this provisional rejection as allowed under MPEP § 804, subsection I.B.1, thereby placing the double-patenting rejection on the later filed Application No. 10/893,754. A copy of MPEP § 804, I.B.1 is enclosed herein for the Examiner's reference.

B. 35 U.S.C. § 112, second paragraph rejection

Claims 8 and 38 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The Applicants have amended claim 8 as follows:

A process for polymerization of alpha olefins in a slurry or in a gas phase, comprising the step of contacting ~~[[the]]~~ monomers of the alpha olefins in the presence of the heterogeneous catalytic composition of claim 1.

The Applicants have amended claim 38 as follows:

A process for polymerization of alpha olefins in a slurry or in a gas phase, comprising the step of contacting ~~[[the]]~~ monomers of the alpha olefins in the presence of the heterogeneous catalytic composition of Claim 21.

With respect to the above amendments to claims 8 and 38, the Applicants request removal of the 112, second paragraph rejection.

C. Examiner's objection

The Examiner informally noted in the Office Action that claims 20 and 39 are drawn to generic polymerization processes using generic monomers which the Examiner contends are not supported by the specification, and with proper amendments would be identical to claim 8 and 38, respectively. The Applicants respectfully disagree with the Examiner, but in order to move the present application to grant, the Applicants have canceled claims 20 and 39, thus obviating this objection.

CONCLUSION

Applicants respectfully contend that all conditions of patentability are met in the pending claims as amended. All amendments and remarks to date have been made without prejudice. All claim amendments to date have been made for clarification and not for patentability. The Examiner is respectfully requested to pass the application to issue.

* * * *

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR §1.136(a) requesting an extension of time of the number of months necessary to

make this response timely filed, and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop After Final, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

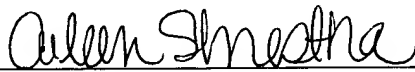
Respectfully submitted,



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(Date)

Enclosures: -MPEP § 804, I.B.1 (2 pages)
-Postcard